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*Attorneys for Renee Baker,
Michael Minev, and Justin Hunt*

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

DIONDRAE L. PARKER,

Plaintiff,

vs.

WADE, et al.

Defendants

Case No. 3:22-cv-00477-ART-CLB

**ORDER GRANTING
DEFENDANTS' MOTION FOR
EXTENSION OF TIME TO FILE
DISPOSITIVE MOTIONS
(First Request)**

Defendants Renee Baker, Justin Hunt, and Michael Minev, by and through counsel, Nevada Attorney General, Aaron D. Ford, and Jessica Brown, Deputy Attorney General, of the State of Nevada, Office of the Attorney General, hereby move to extend the time to file all dispositive motions until February 7, 2024.

MEMORANDUM OF POINTS AND AUTHORITIES

I. APPLICABLE LAW

Pursuant to Fed. R. Civ. P. Rule 16(b)(4), a party may request modification of the Court's scheduling order "only for good cause and with the judge's consent." *See also* LR 26-3 ("A motion or stipulation to extend any date set by the discovery plan, scheduling order, or other order must... be supported by a showing of good cause for the extension").

To demonstrate good cause under 16(b)(4), the party seeking modification must show "that, even in the exercise of due diligence, [the party was] unable to meet the timetable

set forth in the order.” *Cruz v. City of Anaheim*, CV1003997MMMJEMX, 2011 WL 13214312, at *2 (C.D. Cal. Dec. 19, 2011) (citing *Zivkovic v. Southern California Edison Co.*, 302 F.3d 1080, 1087 (9th Cir. 2002); *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 609 (9th Cir. 1992)). Prejudice to the opposing party is a factor in determining good cause, though lack of prejudice is “not a prerequisite.” *Id.*

II. ARGUMENT

According to the court’s most recent scheduling order, the deadline to file dispositive motions is January 10, 2023. ECF No. 21. Defendant Michael Minev, M.D. has been unexpectedly out of the country for an extended period, and the undersigned counsel has not been able to contact him to finalize his declaration. His declaration is necessary to establish a lack of material dispute as to a lack of indifference to Plaintiff’s medical needs.

An extension of time will not prejudice Plaintiff because he will also be afforded additional time to file his dispositive motion, and Defendants are not seeking a lengthy extension. To date, Plaintiff has not served mandatory disclosures on Defendants or propounded any discovery requests upon Defendants.

Dr. Minev is expected to return to the United States before February 7, 2024. Thus, a 30-day extension will afford the undersigned counsel adequate time to finalize Dr. Minev’s supporting declaration.

DATED this 9th day of January 2024.

AARON D. FORD
Attorney General

By: /s/ Jessica Brown
JESSICA BROWN (Bar No. 14487)
Deputy Attorney General

Attorneys for Defendant(s)

IT IS SO ORDERED.

DATED: January 10, 2024.


UNITED STATES MAGISTRATE JUDGE